

**POLICY BULLETIN
CHILD NUTRITION PROGRAMS**

FDCH 05-11

February 2, 2011

**SUBJECT: Questions and Answers from 1/2011 Forum:
 Use of non-CACFP money, reclassification of tier 1
 homes, claiming children in more than one CNP
 program for meals**

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Following are answers to questions asked during the January 2011 forum.

1. Can a child who is enrolled and participating in meals at more than one daycare home be claimed by both providers? Can a child who is going to school come to the providers directly after lunch and have the provider serve and claim lunch?

A. "Regulations at 226.17(b)(3) and 226.18(c) state reimbursement must not be claimed for more than two meals and one snack or one meal and two snacks provided daily to each child. The regulations were written to limit the number of meals each child care center or family day care home could claim per child per day. A child care center, family day care home, or sponsoring organization is not expected to know or track how many meals a child has consumed while in the care of someone else. However, while State Agencies (SA) are not required to monitor entities with regard to this issue, if a situation arose where it appeared that the institution or facility was knowingly moving children between centers or homes with the intention of maximizing reimbursements, FNS would expect the SA to investigate the situation further." (Q&A Claims for Reimbursement, #37)

Q&A Claims for Reimbursement #31 states that children attending a school that serves lunch, or where lunch may have reasonably been eaten, "should eat at school since the school serves lunch." Q&A Claims for Reimbursement #8 states "Reimbursement may be claimed for ... lunch since the children are in the provider's care before and after school and there is no lunch program in the school."

In other words, if the sponsor and/or provider know the child is getting a meal from another provider, the provider cannot claim the same meal. Neither can the provider serve meals to children who are reasonably receiving a meal elsewhere, such as school, just to maximize their reimbursement.

2. Since the Sponsors can go back (retroactive) to October and check tier 1 using elementary, junior high and high school do they use the old Oct survey that was in effect at the time or can they use the new Oct survey they just received?

A. "CACFP 05-2011 refers to providing current data to reclassify homes that now qualify for tier I rates. However, the memo also states that "homes reclassified as tier I using the expanded public school data may be eligible to receive the higher tier I reimbursement rates for all meals served from October 1, 2010, to the day of reclassification as a tier I home." In order to determine if they are indeed eligible, you would need to use the old October survey that was effective from October 1, 2010 until January, 2011." (MPRO 1/31/2011)

In order to reclassify providers as tier 1, sponsors must use the October survey that was in effect at the time. This means that to reclassify providers from October 2010 to January 2011, prior to the release of the new 2010 October survey, the sponsors must use the 2009 October survey that was previous released in January 2010.

3. Can non CACFP money be used to pay recruitment "awards" to FDCH monitors?
A. "According to the regulations part 226.16(m), "Sponsoring organizations of Family Day Care Homes must not make payments to employees or contractors solely on the basis of the number of homes recruited." This means that sponsoring organizations are not permitted to pay recruitment awards to FDCH monitors regardless of whether CACFP or non-CACFP money is used." (MPRO 1/31/2011)

This answer also indicates that all funds coming into the program must be used towards program allowable costs only.